

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA
Case No. 1:24-cv-20755-JSL

AVR GROUP, LLC, TRIDENT ASSET
MANAGEMENT, INC., MICHAEL
DZIURGOT, individually and as the
representatives of a class of similarly
situated persons,

Plaintiffs,

v.

ALEBRIJE ENTERTAINMENT, LLC,
CRAIG COLE, MATTHEW COLE,
GUSTAVO MONTAUDON, and John
Does 1-10,

Defendants.

**DEFENDANTS ALEBRIJE ENTERTAINMENT, LLC and GUSTAVO MONTAUDON
UNOPPOSED REQUEST FOR LEAVE TO FILE SEPARATE MOTION TO DISMISS**

COMES NOW, Defendants, ALEBRIJE ENTERTAINMENT LLC (“Alebrije”) and
GUSTAVO MONTAUDON (“Montaudon”) (collectively “Alebrije Defendants”), and pursuant to
this Court’s Order of March 25, 2024 [DE 22] a separate *Motion to Dismiss* the Complaint filed
by the Plaintiffs, and in support states as follows:

1. This action was filed on February 27, 2024. [DE #1].
2. On March 25, 2024, this Court¹ entered a *sua sponte* paperless Order reminding the
parties of its March 4, 2024 paperless Order that in light of the multiple Defendants, a joint
response or separate answers to the Complaint shall be filed, unless a conflict exists precluding a
joint response, and then a motion for leave must be filed citing the conflicts. [DE 8].

¹ The Order was entered by Judge Kathleen M. Williams, the predecessor judge in the instant
matter.

3. As stated in Defendant Matthew Cole’s Request for Leave to File (his) Individual Motion to Dismiss, the “Plaintiffs’ scattershot Complaint takes generous liberties in stretching the facts and blending multiple jurisdictional and legal defects to try and create a “class action” to pursue indirect claims against unrelated parties stemming from a Ponzi Scheme that is subject to a receivership order in *S.E.C. v. InMM Capital, LLC*, No. 2:21-cv-02927 (C.D Cali. 2021) (the “Receivership Matter”). [DE 27].

4. Further, the Plaintiffs’ Complaint seeks to intertwine the separate acts of each of the Defendants over a separate time and distance and hold the Defendants responsible for the losses the Plaintiffs incurred by third-parties that are not part of the instant suit.

5. The Alebrije Defendants proffer that there is no nexus between them and the Plaintiffs and between the Alebrije Defendants and any of the other Defendants.

6. Accordingly, each Defendant has separate defenses that cannot be plead together.

WHEREFORE, Defendants, ALEBRIJE ENTERTAINMENT LLC and GUSTAVO MONTAUDON request this Honorable Court for entry of an Order permitting them to file their separate Motion to Dismiss.

CERTIFICATE PURSUANT TO S.D. FLA. L.R. 7.1(a)(3)

I HEREBY CERTIFY that on April 18, 2024, Defendants’ counsel conferred in good faith with all counsel who may be affected by the relief sought in this motion, and all either consented or were not in opposition to the relief sought.

Dated: April 19, 2024

Respectfully submitted,

LAW OFFICE OF ADAM I. SKOLNIK, P.A.

/s/ Adam I. Skolnik
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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on April 19, 2024, the foregoing document was filed with the Clerk of the Court using CM/ECF. I also certify that the foregoing document is being served this day on all counsel of record registered to receive electronic Notices of Electronic Filing generated by CM/ECF.

/s/ Adam I. Skolnik
ADAM I. SKOLNIK